IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.729 OF 2007

M/s.Wellman Hindustan Ltd. & Anr. .. Petitioners.

V/s.

The Union of India & Anr. .. Respondents.

Mr.L.S. Shetty with Mr.A.M. Sethna
for the petitioners.

Mr.P.S. Jetly with Mr.Y.S. Bhate
for the respondents.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 20TH FEBRUARY, 2007.

P.C. :

1. Heard learned counsel for the petitioners and the learned counsel for the respondents.

2. Rule. Rule made returnable forthwith. The learned counsel for the respondents waive service. By consent taken up for final hearing.

3. The main challenge in this petition is levy of penalty pursuant to an adjudication order dated 17th November, 2003. It is the main contention of the petitioners that the original show cause notice itself was served on wrong address and the address with which the petitioners have no concern at all and

the adjudication order was also passed exparte.

4. Under the aforesaid facts and circumstances, in view of the fact that the petitioners were not heard properly in the above matter and no fair opportunity of personal hearing was afforded to the petitioners and the show cause notice was not properly served, we are inclined to set aside the adjudication order dated 17th November, 2003 which is Exhibit "B" to this petition.

5. The learned counsel for the petitioners states that the show cause notice now has been served on the petitioners to which the petitioners will file their reply within a period of eight weeks from today. After the said reply is filed, the same shall be adjudicated by the concerned authority as expeditiously as possible.

6. The writ petition stands disposed of accordingly.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)